

COMMONWEALTH OF
PENNSYLVANIA
COUNTY OF: CENTRE

Magisterial District Number: 49-1-01
MDJ: Hon. Carmine W. Prestia, Jr.
Address: 131 S. Fraser St., PO Box 238
State College, PA 16801
Telephone: (814) 231-1420



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Page 15
129.15
8.35

DEFENDANT:

(NAME and ADDRESS):

NICHOLAS

MICHAEL

TAVELLA

First Name

Middle Name

Last Name



DEC 7 2015

NCIC Extradition Code Type

- ☒ 1-Felony Full ☐ 4-Felony No Ext. ☐ B-Misdemeanor Limited ☐ E-Misdemeanor Pending
☐ 2-Felony Ltd. ☐ 5-Felony Pend. ☐ C-Misdemeanor Surrounding States ☐ Distance
☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ D-Misdemeanor No Extradition

DEFENDANT IDENTIFICATION INFORMATION

Docket Number: CR-386-15 Date Filed: 12/7/15 OTN/LiveScan Number: T73574-2 Complaint/Incident Number: PSU201504700 SID: Request Lab Services? ☐ YES ☒ NO

GENDER: ☒ Male ☐ Female DOB: 03/13/1996 POB: USA Add'l DOB: / / Co-Defendant(s): ☐ First Name: Middle Name: Last Name: Gen:

RACE: ☒ White ☐ Asian ☐ Black ☐ Native American ☐ Unknown

ETHNICITY: ☐ Hispanic ☒ Non-Hispanic ☐ Unknown

HAIR COLOR: ☐ GRY (Gray) ☐ RED (Red/Aubn.) ☐ SDY (Sandy) ☐ BLU (Blue) ☐ PLE (Purple) ☒ BRO (Brown)
☐ BLK (Black) ☐ ONG (Orange) ☐ WHI (White) ☐ XXX (Unk./Bald) ☐ GRN (Green) ☐ PNK (Pink)
☐ BLN (Blonde / Strawberry)

EYE COLOR: ☐ BLK (Black) ☐ BLU (Blue) ☐ BRO (Brown) ☐ GRN (Green) ☐ GRY (Gray)
☐ HAZ (Hazel) ☐ MAR (Maroon) ☐ PNK (Pink) ☐ MUL (Multicolored) ☐ XXX (Unknown)

Driver License: State PA License Number: Expires: 03/14/2017 WEIGHT (lbs.):

DNA: ☐ YES ☒ NO DNA Location: 185

FBI Number: MND Number: Ft. HEIGHT in:

Defendant Fingerprinted: ☐ YES ☒ NO 5 9

Fingerprint Classification:

DEFENDANT VEHICLE INFORMATION

Plate # State Hazmat Registration Sticker (MM/YY) Comm'l Veh. Ind. School Veh. Oth. NCIC Veh. Code Reg. same as Def.
VIN Year Make Model Style Color

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

(Date)

I, OFFICER COLE E. MCDANEL

(Name of the Affiant)

43527/MPOETC -4121

(PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of PENNSYLVANIA STATE UNIVERSITY POLICE

(Identify Department or Agency Represented and Political Subdivision)

PA0141100

(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above

☐ I accuse the defendant whose name is unknown to me but who is described as

☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania [410]

(Subdivision Code)

(Place-Political Subdivision)

Intersection of Bigler Rd. and Hastings Rd., University Park, State College, PA

in CENTRE County [14] on or about 12/05/2015 AT 0150HRS

(County Code)



POLICE CRIMINAL COMPLAINT

Docket Number: CR-38-15	Date Filed: 1/1	OTN/LiveScan Number T733574-2	Complaint/Incident Number PSU201504700
Defendant Name	First: NICHOLAS	Middle: MICHAEL	Last: TAVELLA

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903					
<input checked="" type="checkbox"/> Lead?	Offense# 1	Section 2710	Subsection (A)	PA Statute (Title) of the 18	Counts 1	Grade F3	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number	<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance): Ethnic intimidation								
Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did, with malicious intention toward the race, color, religion or national origin of the Victim, Samjeris Victor, did commit an offense under any other provision of this article, To Wit: The victim reported to the Affiant that the Defendant had followed him through the Penn State University campus stating "I'm going to follow you" and "Are you trying to get away from me". The Victim reported that at the intersection of Bigler Rd. and Hastings Rd. the Defendant did grab the Victim by the throat and state "Don't make me put a bullet in your chest." The Defendant stated that he had been "racially profiling" the Victim and that he "probably" grabbed the Victim and "probably" said something racist to the victim due to the color of the Victim's skin.								

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903					
<input type="checkbox"/> Lead?	Offense# 2	Section 2706	Subsection (A)(1)	PA Statute (Title) of the 18	Counts 1	Grade M1	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number	<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance): Terroristic threats								
Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did communicate, either directly or indirectly, a threat to commit any crime of violence with intent to terrorize the Victim, Samjeris Victor, To Wit: The Victim reported to the Affiant that the Defendant did grab the Victim by the throat and state "Don't make me put a bullet in your chest."								

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903					
<input type="checkbox"/> Lead?	Offense# 3	Section 2701	Subsection (A)(3)	PA Statute (Title) of the 18	Counts 1	Grade M2	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number	<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance): Simple assault								
Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did attempt by physical menace to put the Victim, Samjeris Victor, in fear of imminent serious bodily injury, To Wit: The Victim reported to the Affiant that the Defendant did grab the Victim by the throat and state "Don't make me put a bullet in your chest." The Defendant was observed by an independent witness grabbing the Victim by the arm.								



POLICE CRIMINAL COMPLAINT

Docket Number: CR 386-15	Date Filed: 12/07/2015	OTN/LiveScan Number T7335742	Complaint/Incident Number PSU201504700
Defendant Name:	First: NICHOLAS	Middle: MICHAEL	Last: TAVELLA

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> 4	5503	(A)(1)	of the	18	1	M3		
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Lead? Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance): Disorderly conduct

Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof engaged in fighting or threatening, or in violent or tumultuous behavior, To Wit: The Victim, Samjeris Victor, reported to the Affiant that the Defendant did grab the Victim by the throat and state "Don't make me put a bullet in your chest." The Defendant was observed by an independent witness grabbing the Victim by the arm.

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> 5	2709.1	(A)(1)	of the	18	1	M1		
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Lead? Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance): Stalking

Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did, engage in a course of conduct or repeatedly commit acts toward the Victim, Samjeris Victor, including following the Victim without proper authority, under circumstances which demonstrate either an intent to place the Victim in reasonable fear of bodily injury or to cause substantial emotional distress to the Victim, To Wit: The Victim reported that the Defendant did follow him from the downtown State College area on foot onto and throughout the Penn State University campus. The Victim reported that the Defendant stated "I'm going to follow you home" and after trying to elude the Defendant, the Defendant stated to the Victim "are you trying to get away from me?" The Defendant admitted to the Affiant that he was following the Victim because he was "suspicious" and that he had been "racially profiling" the Victim.

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> 6	2709	(A)(2)	of the	18	1	S		
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Lead? Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	

Statute Description (include the name of statute or ordinance): Harassment

Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did, with intent to harass, annoy or alarm another did follow the Victim, Samjeris Victor, in or about a public place or places, To Wit: The Victim reported that the Defendant did follow him from the downtown State College area on foot onto and throughout the Penn State University campus. The Victim reported that the Defendant stated "I'm going to follow you home" and after trying to elude the Defendant, the Defendant stated to the Victim "are you trying to get away from me?" The Defendant admitted to the Affiant that he was following the Victim because he was "suspicious" and that he had been "racially profiling" the Victim.



POLICE CRIMINAL COMPLAINT

Docket Number: CR-386-15	Date Filed: 12/07/2015	OTN/LiveScan Number T733574	Complaint/Incident Number PSU201504700
Defendant Name:	First: NICHOLAS	Middle: MICHAEL	Last: TAVELLA

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense:	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	7	5505		of the	18	1	S		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): Public drunkenness and similar misconduct

Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did appear in a public place manifestly under the influence of alcohol to the degree that he may endanger himself or other persons in his vicinity. To Wit: the Defendant did have the odor of beverage alcohol coming from his person, and had glassy, bloodshot eyes. Victim Samjeris Victor reported that the Defendant had harassed and assaulted him during the time that the Defendant was under the influence of alcohol. The Victim reported that Defendant as being "clearly drunk".

Inchoate Offense:	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	8	6308	(A)	of the	18	1	S		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): Purchase, consumption, possession or transportation of liquor or malt or brewed beverages

Acts of the accused associated with this Offense: The Defendant, Nicholas Michael Tavella, on or about 12/05/2015, in the County of Centre in State College Borough, did, being less than 21 years of age, attempt to purchase, purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverage. To Wit: the Defendant did have the odor of beverage alcohol coming from his person, and had glassy, bloodshot eyes. The Defendant also was found to be in possession of an unopened can of Busch brand beer, which was in his left back pocket.

Inchoate Offense:	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number		<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:



POLICE CRIMINAL COMPLAINT

Docket Number: <u>CR-386-15</u>	Date Filed: <u>12/7/15</u>	OTN/LiveScan Number <u>T733574-2</u>	Complaint/Incident Number <u>PSU201504700</u>
Defendant Name:	First: <u>NICHOLAS</u>	Middle: <u>MICHAEL</u>	Last: <u>TAVELLA</u>


2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
4. This complaint consists of the preceding page(s) numbered 1 through 5.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

OFFICER COLE E. MCDANEL

12/07/2015


(Date)


(Signature of Affiant)

AND NOW, on this date 12/7/15 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

49-1-01
(Magisterial District Court Number)


(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-386-15</i>	Date Filed: 12/07/2015	OTN/LiveScan Number <i>T733574-2</i>	Complaint/Incident Number PSU201504700
Defendant Name:	First: NICHOLAS	Middle: MICHAEL	Last: TAVELLA

AFFIDAVIT of PROBABLE CAUSE

On 12/05/2015 at approximately 0150hrs the Affiant, Penn State University Police Officer McDanel, responded to the five point intersection at Bigler Rd. and Hastings Rd. for a disturbance in that area called out by Penn State Parking Officer Grassi (4463) over two-way radio. The intersection of Bigler Rd. and Hastings Rd. is located within the Affiant's jurisdiction. The Affiant was in full police uniform and displaying his badge of authority.

The Affiant and Penn State Police Officer Eckley identified two Penn State students as Samjeris Victor, the Victim, and Nicholas Tavella, the Defendant, in that area. The Victim was identified by his PSU ID and by his Pennsylvania driver's license. The Victim is of Indian decent and has a dark skin complexion. The Defendant was identified by his PSU ID. His identification was confirmed through a license check through Pennsylvania, which provided his identifying information and a photo.

The Victim reported to the Affiant that the Defendant had been following him and had made threats toward him. The Victim stated that while walking home to Nittany Apartments from Park Hill Apartments in downtown State College he came in to contact with the Defendant. The Victim reported that the Defendant then asked the Victim if he was going to rape a girl and then stated to the Victim "I'm going to follow you home". The Victim attempted to elude the Defendant, but The Defendant caught up to him and stated "are you trying to get away from me." The Victim reported that when the two got to the five way intersection at Bigler Rd. and Hastings Rd. the Defendant grabbed the Victim by the throat and stated "Don't make me put a bullet in your chest."

I, OFFICER COLE E. MCDANEL, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

[Signature of Affiant]

(Signature of Affiant)

Sworn to me and subscribed before me this

day of

Dec

2015

Date

12/7/15

, Magisterial District Judge

My commission expires first Monday of January, *2020*





POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE

Docket Number: CR-386-15	Date Filed: 12/07/2015	OTN/LiveScan Number T7335742	Complaint/Incident Number PSU201504700
Defendant Name:	First: NICHOLAS	Middle: MICHAEL	Last: TAVELLA

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

The Affiant spoke with the Defendant. The Affiant noticed that the Defendant had the odor of beverage alcohol coming from his person and that he had glassy, bloodshot eyes. It was also found that the Defendant had a can of Busch brand beer in his back left pocket. The Defendant admitted that he had been following the Victim through campus. The Defendant stated that he felt the Victim had been acting suspicious. The Defendant stated that he had been "racially profiling" the Victim several times to the Affiant. When asked to explain what he meant, the Defendant stated that he had observed that Victor appeared to be of Middle-Eastern or Asian descent. When the Affiant asked The Defendant if he had any contact with The Defendant he stated that he "probably grabbed him", and "probably said something racist". When the Affiant asked the Defendant why he might have done that, he stated that it was because of the Victim's skin color. The Defendant stated that he could not remember everything that happened due to the fact that he had been drinking.


(Signature of Affiant)